

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 GERARDO HERRERA, *et al.*,)

4 Plaintiffs,)

5 vs.)

6 NATIONSTAR MORTGAGE, LLC, *et al.*,)

7 Defendants.)

Case No.: 2:16-cv-01043-GMN-GWF

ORDER

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9 Pending before the Court is the Motion to Expunge the Lis Pendens, (ECF No. 42), filed
10 by Defendant Nationstar Mortgage, LLC (“Defendant”). Upon a motion, the Court must
11 dissolve a *lis pendens* if the recording party fails to demonstrate: (1) a likelihood of prevailing
12 in the action; or (2) a fair chance of success and serious hardship that could result from a
13 transfer of the property. Nev. Rev. Stat. 14.015(3); *see also Levinson v. Eighth Judicial Dist.*
14 *Court*, 857 P.2d 18, 20-21 (Nev. 1993).

15 Here, Plaintiffs Gerardo Herrera and Estate of Genny Herrera (collectively “Plaintiffs”)
16 have failed to file a Response, and the deadline to do so expired on July 19, 2017. Thus,
17 pursuant to Local Rule 7-2(d), the Court finds that Plaintiffs have consented to the granting of
18 the Motion. *See* D. Nev. R. 7-2(d) (“The failure of an opposing party to file points and
19 authorities in response to any motion . . . constitutes a consent to the granting of the motion.”).
20 Moreover, the Court finds that expunction of the *lis pendens* is warranted because all of
21 Plaintiffs’ claims have been dismissed with prejudice. *See, e.g., Wensley v. First Nat. Bank of*
22 *Nevada*, 874 F. Supp. 2d 957, 968 (D. Nev. 2012) (expunging a *lis pendens* after dismissing a
23 complaint with prejudice).

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1 Accordingly,

2 **IT IS HEREBY ORDERED** that the Motion to Expunge the Lis Pendens, (ECF No.
3 42), is **GRANTED**.

4 **IT IS FURTHER ORDERED** that the notice of *lis pendens* filed and recorded by or on
5 behalf of Plaintiffs on the property located at 586 Jackson Drive, Henderson, Nevada 89014
6 (APN 178-04-713-031) with the Clark County Recorder's Office as instrument number
7 201606010003375 is hereby cancelled and expunged.

8 **IT IS FURTHER ORDERED** that Defendant shall record a copy of this Order with the
9 Clark County Recorder's Office within seven (7) days of its issuance.

10 **DATED** this 19 day of October, 2017.

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14 Gloria M. Navarro, Chief Judge
15 United States District Court
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